

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ELIZABETH SWATT and
ANNE MARIE SWATT,

Plaintiffs,

v.

JANICE M. HAWBAKER, ESQ.,
and KAMINSKI, HAWBAKER &
SALAWAGE, P.C.,

Defendants.

No. 4:21-CV-01025

(Chief Judge Brann)

ORDER

SEPTEMBER 23, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that Defendants' motion to dismiss (Doc. 24) is **GRANTED IN PART AND DENIED IN PART**.

1. As to Counts I (Breach of Settlement Agreement), II (Negligence Per Se), and IV (Breach of Fiduciary Duty), Defendants' motion is **GRANTED IN PART AND DENIED IN PART**. These Counts may proceed insofar as they seek an *in personam* judgment against Defendants for money damages from assets not currently under the jurisdiction of the Court of Common Pleas of Franklin County. However, they may not proceed as to any relief that would require the Court to appoint an independent executor, probate a will, or reimburse

expenses of Madlyn Blusius' or Agnes Kotran's estates with estate funds.

2. As to Counts III (Special Damages), V (Tortious Interference with Inheritance), and VI (Tortious Interference with Inheritance) Defendants' motion is **DENIED**.
3. That said, Defendants' request for a stay on abstention principles is **GRANTED** as to all Counts. This matter is stayed pending resolution of the actions in the Court of Common Pleas of Franklin County, docketed as Nos. 134-OC-2006, 46-OC-2013, and 2014-710.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge